G. R. S. App. F. IX-4]

1942-3

File No. 149-42.

Previous References.
G.F. 18-42-9 612. (War)

Serial Nos. 39 & 40.

Later References.
G.F. Dep. No 80/43-44

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Two only.

Part B for June 1943.

SUBJECT.

Amendments to Defence of India Rules.

Dr. Krishnan
8.6.43.

G.R.S. III—3.

3249/V

ROUTINE NOTES W 14.9-42

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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39 A.2 172-40/Pol. ...
dy 13-5-43 from Resy ...
forwarding copy of ...
Govt of India Finance ...
Dept letter dy 10-4-43 ...
re amendment of ...
Rule 90 of Defence of ...
India Rules. ...
Kind reference is invited to ...
Financial Secretary's remarks on ...

Similar notifications have
been issued here also (vide notifications
issued on the ~~previous~~ previous ~~letter~~
letter received from the Residency).

This may be sent to the Home
A Section for favour of necessary
further action in the matter as in
the ~~for~~ previous case.

A may be due
Also to Law Dept

WD 078—GPB—30,000—25-7-40

N. B.—should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

39. No.R.F.172-40/Pol. dated the 13th May 1943 from Residency forwarding copy of Government of India Finance Department Circular dated 16th April 1943 regarding shortage of small coins and requesting similar action.

***

Notification No.5DC(21)/43 dated 17th April 1943 amending Rule 90 so as to make the mere possession of small coin in excess of one's requirements an offence. This may also be adopted.

Kind reference is also invited to the following notifications in the Gazette of India of 17th April 1943 and 24th April 1943, amending the Defence of India Rules.

Notification No.1558-S.M./42, dated 17th April 1943 amending Rule 34 and adding a new rule 56A. causing cessation of work in a place of employment by a body of workers therein is included in the definition of Prejudicial Act. Now Rule 56A. provides for prevention of hartal in a place of employment. Government may ask the management to take such measures as may be specified to secure that the hartal shall not take place and the place remains open for work. This will, if approved be adopted here. Reference to "Trade disputes" will, if approved, be changed into references to "industrial disputes" as defined in the Mysore Labour Act 1942. But in Rule 81A the words reference to "work dispute" are kept up.

2. Notification No.28C.(3)/43 dated 24th April 1943 amends rule 16(6) by adding "or of any order made thereunder" so that wireless apparatus may be seized even where an order issued under the rule is contravened. Thi

P.T.O.

CHIEF SEC. RY. 4578 25 MAY 1943 GOVT. OF MYSORE.

may be adopted.

Submitted with a draft notification for approval

Sec 25/5/43 Law 25/5

(Minister for Law)

These amendments may be adopted.

Dft Notifn for approval.

43 8838 SECY. LAW DEPT. 27/5/43 GOVT OF MYSORE

Min. Edn. WD 27/5/43 Law

& Dewan ✓ 28/5/43

this Sec'y Law

The draft is in order.

Law 282/42 29/5/43 31 SECY. LAW DEPT. 14348 31/5/43 GOVT OF MYSORE

Law Secy) Sec 31-5-43 JNV 31/5

Minister for Education) Law

31/5

Sec 31/5/43 1081 ✓

Tuce 26.

WD 2/6/43

Secy. with the enclosed draft orders in connection with the issue of Gazette Notification.

5/1 3/6. Law 7/6

H.D. Issued Notification No 4376/W dt 7th Jun 43 to compiler

B.

Secret W/49-42-39. 4200
3299 No.R.F.172-40/Fol.

From

The Secretary to the Hon'ble
the Resident in Mysore.

To

The Chief Secretary to
the Government of His Highness
the Maharaja of Mysore.

Bangalore, 13 May 1943.

SMALL COIN SHORTAGE.

Sir,

In continuation of my letter No.R.F.172-40/Fol, dated the 25th January 1943, I am directed to forward a copy of confidential circular letter from the Government of India, Finance Department, No.F.17(56)-F/43, dated the 16th April 1943, with enclosure.

2. I am to request that, if there is no objection, action similar to that proposed in the Finance Department's letter mentioned above may kindly be taken in the State.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

Copy of Confidential Circular No.F.17(56)-F/43, dated New Delhi, the 16th April 1943, from the Government of India, Finance Department, to all Provincial Governments.

Will you please refer to the correspondence resting with my D.O.No.F.2(99)-F/42, dated the 7th January 1943 regarding shortage of small coin? It has been held in recent judicial decisions that possession of coin is in itself not sufficient evidence from which to infer that the coin was acquired after the promulgation of clause (d) of sub-rule (2) of rule 90 of the Defence of India Rules on the 25th June 1940 and thus to bring it within the mischief of that clause. In order to close this lacuna in the law a Defence Department notification No.5-DC(21)/43, (copy enclosed) will issue in the Gazette of the 17th April 1943, acting inter alia a further clause to rule 90(2) making the mere possession of 'small coin' in excess of one's requirements an offence. This may kindly be brought to the notice of the authorities concerned.

GAZETTE OF INDIA
GOVERNMENT OF INDIA.
DEFENCE DEPARTMENT

New Delhi, the 17th April 1943

NOTIFICATION.

No.5-DC(21)/43.- In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely:-

In rule 90 of the said Rules -

(i) in clause (i) of sub-rule (1) the word "and" shall be omitted;

(ii) after clause (ii) of sub-rule (1), the following clause shall be inserted, namely:-

"(iii) the expression "small coin" means any coin other than a rupee".—

(iii)

(iii) after clause (d) of sub-rule (2), the following shall be inserted, namely:-

"or

(e) possess small coin to an amount in excess of his personal or business requirements for the time being".

Sd/- C.MacI.G. Ogilvie,

- Secretary to the Government of India.

ND 4376/W d 7th June 43.
W149-42-40

NOTIFICATION.

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939,) as applied to Mysore the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules, as in force in Mysore, namely:-

1. In sub-rule (6) of rule 16 of the said Rules, after the word "rule" where it occurs for the first time, the words "or of any order made thereunder" shall be inserted.

2. After clause (h) of sub-rule (6) of rule 34, the following clause shall be inserted, namely:-

"(hh) to cause or produce or to instigate or incite, directly or indirectly, the cessation of work by a body of persons employed in any place of employment in which one hundred persons or more are normally employed, except in furtherance of an industrial dispute (as defined in the Mysore Labour Act, 1942) with which such body of persons is directly concerned;"

3. After rule 56, the following rule shall be inserted, namely:-

"56A. Prevention of hartals in places of employment.—

(1) In this rule

(a) "industrial dispute" means a dispute as defined in the Mysore Labour Act, 1942.

(b) "hartal" means any concerted cessation of work or refusal to work by a body of persons employed in any place of employment, except a

P.T.O.

cessation or refusal in furtherance of an industrial dispute with which such body of persons is directly concerned.

(2) If in the opinion of the Government a body of persons employed in any place of employment is likely to take part in, or is taking part in, a hartal, then, without prejudice to any other proceedings which may be taken in respect of such hartal, the Government may by order in writing require the person owning or having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified to secure that the hartal shall not take place, or, as the case may be, shall cease.

(3) If in the opinion of the Government a place of employment has been closed for reasons other than the furtherance of an industrial dispute, the Government may by order in writing require the owner or persons having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified to secure that the place of employment shall be opened, and shall remain open, for the unimpeded employment of persons employed therein.

(4) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to five lakhs of rupees and to a further fine which may extend to one lakh of rupees for every day after the first during which the contravension continues, or with both such imprisonment and fine as aforesaid.

(5) The provisions of section 32 of the Code of Criminal Procedure, 1904, in so far as they limit the extent of fine which may be imposed by Courts of Magistrates of the First Class, shall not apply

to any sentence imposed under this rule."

4. In rule 90 of the said Rules--

(i) in clause (i) of sub-rule (1) the word "and" shall be omitted;

(ii) after clause (ii) of sub-rule(1), the following clause shall be inserted, namely:-

"(iii)the expression "small coin" means any coin other than a rupee".

(iii) after clause (d) of sub-rule(2) the following shall be inserted, namely:-

"or (e) possess small coin to an amount in excess of his personal or business requirements for the time being."

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27/5/47
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Forwd.

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I have compiled, [illegible]
Gazette for publication
[illegible] in part IV of
the Gazette & supply
of 150 copies to this
Office, 25 to the
D.C.P & 20 to each
of the D.Cs of D.L.

Sd
Bombay 5/7/47

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

***

No...4376/43.. General & Revenue Secrt.
Bangalore, dated, 7th June 1943.

NOTIFICATION.

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939 (XXXV of 1939) as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendments shall be made in the Defence of India Rules, as in force in Mysore, namely:-

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2. After clause (h) of sub-rule (6) of rule 34, the following clause shall be inserted, namely:-

"(hh) to cause or produce or to instigate or incite, directly or indirectly, the cessation of work by a body of persons employed in any place of employment in which one hundred persons or more are normally employed, except in furtherance of an industrial dispute (as defined in the Mysore Labour Act, 1942) with which such body of persons is directly concerned";

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(2) If in the opinion of the Government a body of persons employed in any place of employment is likely to take part in, or is taking part in, a hartal, then, without prejudice to any other proceedings which may be taken in respect of such hartal, the Government may by order in writing require the person owning or having the management of such place of employment to take, within such time as may be specified in the order, such measures as may be so specified to secure that the hartal shall not take place, or, as the case may be, shall cease.

(3) If in the opinion of the Government a place of employment has been closed for reasons other than the furtherance of an industrial dispute, the Government may by order in

P.T.O.

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(4) If any person contravenes the provisions of any order made under this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to five lakhs of rupees and to a further fine which may extend to one lakh of rupees for every day after the first during which the contravension continues, or with both such imprisonment and fine as aforesaid.

(5) The provisions of section 32 of the Code of Criminal Procedure, 1904, in so far as they limit the extent of fine which may be imposed by Courts of Magistrates of the First Class, shall not apply to any sentence imposed under this rule".

4. In rule 90 of the said Rules--

(i) in clause (i) of sub-rule (1) the word "and" shall be omitted.

(ii) after clause (ii) of sub-rule (1), the following clause shall be inserted, namely:-

"(iii) the expression "small coin" means any coin other than a rupee".

(iii) after clause (d) of sub-rule (2) the following shall be inserted, namely:-

"or (e) possess small coin to an amount in excess of his personal or business requirements for the time being".

By Order,

for Chief Secretary to Government.
59.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and supply of 150 spare copies to this office and 25 to each the Inspector General of Police and 20 to each of the Deputy Commissioners of Districts.